

To: Emily Slater[eslater@cslaterlaw.com]; Daly.Erie@epa.gov[Daly.Erie@epa.gov];
jgould@bnriverkeeper.org[jgould@bnriverkeeper.org]; Daly, Eric[Daly.Eric@epa.gov]
Cc: CSlater@CSlaterLaw.com[CSlater@CSlaterLaw.com]
From: Matthew Weber
Sent: Mon 5/23/2016 4:38:49 PM
Subject: RE: USEPA Removal Site-Niagara Falls Boulevard/Weber Property
removed.txt

Emily:

I think you may have had a mis-spelling for Eric Daly in his e-mail address and it was probably not delivered.

I think we will go ahead with the call and I will brief Craig via e-mail after.

Matt

Matthew T. Weber, Esq.

Sr. Court Attorney

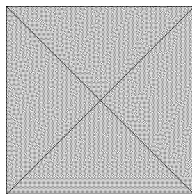
Niagara County Surrogate's Court

175 Hawley Street

Lockport, New York 14094

(716)280-6461

mtweber@nycourts.gov



From: Emily Slater [mailto:eslater@cslaterlaw.com]
Sent: Monday, May 23, 2016 12:32 PM
To: Matthew Weber <mtweber@nycourts.gov>; Daly.Erie@epa.gov; jgould@bnriverkeeper.org
Cc: CSlater@CSlaterLaw.com
Subject: Re: USEPA Removal Site-Niagara Falls Boulevard/Weber Property

Craig will be unable to make the call as scheduled.

Emily E. Slater

Paralegal

The Slater Law Firm, PLLC

500 Seneca Street – Suite 504

Buffalo, New York 14204

Tel: 716-845-6760

Fax: 716-845-6764

Email: eslater@cslaterlaw.com



Begin forwarded message:

From: "Daly, Eric" <Daly.Eric@epa.gov>
Date: May 20, 2016 at 12:57:55 PM EDT
To: Joseph Gould <jgould@bnriverkeeper.org>, Matthew Weber <mtweber@nycourts.gov>
Cc: "cslater@cslaterlaw.com" <cslater@cslaterlaw.com>
Subject: RE: USEPA Removal Site-Niagara Falls Boulevard/Weber Property

Let's shoot for 3-4PM. Hopefully, Mr. Slater can join in the call.

From: Joseph Gould [<mailto:jgould@bnriverkeeper.org>]
Sent: Friday, May 20, 2016 12:55 PM
To: Matthew Weber <mtweber@nycourts.gov>; Daly, Eric <Daly.Eric@epa.gov>
Cc: cslater@cslaterlaw.com
Subject: Re: USEPA Removal Site-Niagara Falls Boulevard/Weber Property

First, thank you for including me in this conversation. I would be happy to

participate on a call and think I could help provide some perspective, particular in regards to Matt's second concern. I'm fine with a call at 1pm but I would have to get off the call by 1:30pm. I've provided my availability below encase you feel we need more time.

Tuesday 5/24

10-1:30pm and 3-5pm.

Best,

JG

Joseph J Gould

Natural Resource Planner II

Buffalo Niagara RIVERKEEPER

721 Main Street, Buffalo, NY 14203

716-852-7483, Ext. 27

<http://www.bnriverkeeper.org>

From: Matthew Weber <mtweber@nycourts.gov>

Sent: Friday, May 20, 2016 12:43 PM

To: Daly, Eric

Cc: Joseph Gould; cslater@cslaterlaw.com

Subject: RE: USEPA Removal Site-Niagara Falls Boulevard/Weber Property

Works for me.

Matt

Matthew T. Weber, Esq.

Sr. Court Attorney

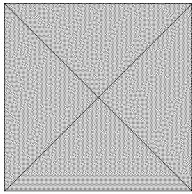
Niagara County Surrogate's Court

175 Hawley Street

Lockport, New York 14094

(716)280-6461

mtweber@nycourts.gov



From: Daly, Eric [<mailto:Daly.Eric@epa.gov>]

Sent: Friday, May 20, 2016 12:43 PM

To: Matthew Weber <mtweber@nycourts.gov>

Cc: jgould@bnriverkeeper.org; cslater@cslaterlaw.com

Subject: RE: USEPA Removal Site-Niagara Falls Boulevard/Weber Property

Good Afternoon:

How is 1PM on Tuesday, May 24th for everyone copied?

From: Matthew Weber [<mailto:mtweber@nycourts.gov>]

Sent: Friday, May 20, 2016 12:39 PM

To: Daly, Eric <Daly.Eric@epa.gov>

Cc: jgould@bnriverkeeper.org; cslater@cslaterlaw.com

Subject: RE: USEPA Removal Site-Niagara Falls Boulevard/Weber Property

Eric:

Sorry that I didn't respond to your prior e-mail. It's been a busy week. I think a conference call would be helpful.

My two main concerns are:

1. If there is going to be staging and work trailers on JCW, Inc. property, while we would not be asking for any rent, we would probably be looking for some type of standard access and liability agreement. While JCW, Inc. carries general liability insurance on the property, we don't need to be part of any Workers Comp. or other type of claim that occurs in the staging area.
2. While I understand that the project would most likely be a positive with regards to our deal with the Town, I am still concerned that I have not heard a great deal from them. Although I presume the staging area will not be expansive, I don't want the Town to get cold feet. And, besides the staging area, is there going to be removal on the JCW, Inc. property since it is highly unlikely to ever be developed.

Other than having our attorney (Craig Slater, Esq.) having been in contact with the Town Attorney (Mike Risman, Esq.), we generally only receive status updates from Joseph Gould of Buffalo Niagara RiverKeeper. So, I think it may be helpful if Joseph and Craig are in on the conference call. Is this possible?

I'm not trying to delay or derail your project, but a great deal of time and effort (and my mother's personal resources) have gone into working a deal with the Town to take the property, and this is one more wrinkle that has come up.

I'm generally available on Tuesday. If Craig and Joseph can join in it would be helpful, but we would need to check on their availability.

Thanks,

Matt

From: Daly, Eric [<mailto:Daly.Eric@epa.gov>]

Sent: Thursday, May 19, 2016 6:55 PM
To: Matthew Weber <mtweber@nycourts.gov>
Subject: USEPA Removal Site-Niagara Falls Boulevard/Weber Property

Good Evening Mr. Weber:

I was able to get verbal approval for funding to start up our work at Niagara Falls Boulevard. Due to the timing of getting my contractors in place and the necessary planning, we are rescheduling our mobilization date to May 31st.

I would like to schedule a phone conference with you on Tuesday if you are available. I will also put together some visuals for you to review simultaneously via Adobe Connect.

Please let me know and I will set up the meeting info.

Regards,

Eric

"We must, indeed, all hang together, or assuredly we shall all hang separately", Benjamin Franklin
Eric M. Daly
On-Scene Coordinator/Radiological Response Specialist
US Environmental Protection Agency- Region II

ERRD/RPB/PPS
2890 Woodbridge Avenue
Edison, NJ 08837
daly.eric@epa.gov
[732-321-4350](tel:732-321-4350)

On May 16, 2016, at 5:21 PM, Daly, Eric <Daly.Eric@epa.gov> wrote:

Good Afternoon Matt:

I am on travel in Maryland currently. However, I will send you the preliminary gamma survey and soil sample data products we have for the JCW, Inc. section of the site as soon as possible. I want to be able to explain the results of what we have so far as well. Unfortunately, I am in training all this week. I am able to talk right now. During the rest of the week I should be back at the hotel at 5:30 PM.

Please note, the JCW property has not been thoroughly surveyed. We did some spot gamma survey work and some soil sampling points in the woods. The clearing of the vegetation would serve two purposes. The first purpose would be to delineate the area thoroughly and find out if a removal action is warranted at your property. The second is for us to place our work trailers and staging areas out of the public accessible areas while we conduct our removal work in the building and the parking lot. My objective is to lessen the inconvenience to the business, patrons and public the best I can by staging in the non-public areas.

Please recall, we originally were informed that the wooded area was owned by the bowling alley. So the plans to utilize the wooded area for these purposes was established previously. I thought I relayed these proposed plans during our previous communications. If I was not clear, I apologize. Our conducted property boundary survey was to assist in specifically identifying the owners of each parcel and where those boundaries physically are..

Obviously, I need your permission to proceed. Please let me know if there are concerns or hesitations with my proposed plan. If so, we will need to find an alternative strategy.

I am aware of the proposed transaction with the Town of Niagara. I assume our assessment work being completed will only assist in the finalization. At least we will have more detailed answers within the next

month if we are able to proceed as planned next week. I am not sure what impact our efforts would have on your property. In my opinion, in the end it will be positive because all will know what we are dealing with and what needs to be done. It will also answer questions regarding future use of the property. I am not aware of the exact details of the Riverkeeper organization plan for the JCW portion of this Site. However, from my conversation with Joe Gould last month, it didn't appear that the area we would be surveying and utilizing is in their immediate plans

Please let me know how you would like to proceed. Thanks

Eric

From: Matthew Weber [<mailto:mtweber@nycourts.gov>]
Sent: Monday, May 16, 2016 4:29 PM
To: Daly, Eric <Daly.Eric@epa.gov>
Cc: jgould@bnriverkeeper.org; cslater@cslaterlaw.com
Subject: FW: USEPA Removal Site-Niagara Falls Boulevard/Weber Property

Hi Eric:

I am hoping you can clarify a couple of things for me because we are in the process of trying to turn the JCW, Inc. property over to the Town of Niagara. The Consent For Access To Property that I signed a couple of months ago appears to call for Performing radiological survey activities; and Collecting environmental samples.

I see a number of samples have been taken on the JCW, Inc. property, although there is no mention of the results.

But, I now see there are plans to "clear the vegetation from the wooded lot behind the bowling alley and building supply center" and to also "use this area as a staging area." I guess I would like to know a little more about the scope of the work and the potential impact on JCW, Inc. property. We were hoping to complete the real estate transaction in 2016. In theory, the work should not impede the transaction, but we have not heard from the Town in a little while.

I have copied Joe Gould of Buffalo Niagara Riverkeeper and also our attorney, Craig Slater, Esq. on this e-mail.

Maybe a conference call would be helpful.

Thanks,

Matt Weber

716-628-0992

From: Daly, Eric [<mailto:Daly.Eric@epa.gov>]
Sent: Friday, May 13, 2016 7:12 PM
To: Matthew Weber <mtweber@nycourts.gov>
Subject: USEPA Removal Site-Niagara Falls Boulevard/Weber Property
Importance: High

Good Evening Mr. Weber:

I wanted to give you an update on the Niagara Falls Boulevard Site Removal Action. We received a verbal funding authorization today to start the removal work at the Site. We will mobilize at the Site on May 24, 2016.

I have attached a draft fact sheet. We will finalize and send the fact sheet to local politicians and eventually the surrounding business, school and communities.

I have attached a preliminary figure that shows the ownership for the parcels that are part of the Site. Your property is obviously part of the Site and we will continue to assess that area in the coming weeks. We will be

clearing the above ground vegetation and thoroughly performing gamma surveys. That way we will be able to delineate the contamination properly and plan for future removal if necessary. Once we clear areas and survey, we will utilize the wooded area as staging. That way we will not be in the public accessible areas at all.

Please let me know if you have any questions. Thanks

Regards,

Eric

"We must, indeed, all hang together, or assuredly we shall all hang separately", Benjamin Franklin

Eric M. Daly

On-Scene Coordinator/Radiological Response Specialist

US Environmental Protection Agency- Region II

ERRD/RPB/PPS

2890 Woodbridge Avenue

Edison, NJ 08837

daly.eric@epa.gov

732-321-4350

From: Daly, Eric

Sent: Thursday, April 21, 2016 12:43 PM

To: Matthew Weber <mtweber@nycourts.gov>

Subject: Re: USEPA Removal Site-Niagara Falls Boulevard/Weber Property

Hi Matthew:

I hope your surgery went well and recovery is smooth. I am in Niagara for the next two weeks. Mostly in Lewiston for assessment work. However, we will finish the property survey this Wednesday at Niagara Falls Boulevard property and yours. All information will be forwarded to your attention once I receive.

We will create a fact sheet prior to us doing any obvious disruptive work. You will know when I know. The surrounding area including the mobile home park will be given the fact sheet a week or so prior by our public affairs official. I know our public affairs official met with the head of the mobile home park and she/he will distribute the fact sheets.

Thanks

Regards,

Eric

"We must, indeed, all hang together, or assuredly we shall all hang separately",

Benjamin Franklin

Eric M. Daly

On-Scene Coordinator/Radiological Response Specialist

US Environmental Protection Agency- Region II

ERRD/RPB/PPS

2890 Woodbridge Avenue

Edison, NJ 08837

daly.eric@epa.gov

[732-321-4350](tel:732-321-4350)

On Apr 21, 2016, at 9:34 AM, Matthew Weber <mtweber@nycourts.gov> wrote:

Hi Eric:

On the morning that you sent this e-mail I was having outpatient surgery to

reconstruct the ACL in my left knee. I am now back to work while completing rehab/PT. I understand that things are moving forward. FYI, my family has an interest in the Cayuga Village Mobile Home Park, so we are aware that the various neighbors are being notified of the upcoming work.

Thanks,

Matt

Matthew T. Weber, Esq.

Sr. Court Attorney

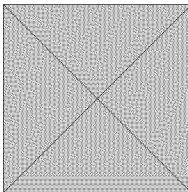
Niagara County Surrogate's Court

175 Hawley Street

Lockport, New York 14094

(716)280-6461

mtweber@nycourts.gov



From: Daly, Eric [<mailto:Daly.Eric@epa.gov>]

Sent: Wednesday, March 30, 2016 1:49 PM

To: Matthew Weber <mtweber@nycourts.gov>

Subject: USEPA Removal Site-Niagara Falls Boulevard/Weber Property

Importance: High

Good Afternoon Matthew:

Below are some highlights/planned site visits for NFB Site.

· NFB

- o On March 18, 2016, I submitted an Action Memo to management for finalization. Once approved and funded, we can move forward with the removal actions at the Niagara Falls Boulevard Site. The first activity will be addressing the contamination below the floor in the front office area of one of the buildings.

- o Next week on **April 5, 2016**, I will oversee a property boundary survey at the Site in order to identify property owners and physical parcel boundaries of the Site (Pimm/Weber properties). This will most likely take two days.

Please let me know if you have any questions. If you would like to meet while I am at the Site or anyone else who represents the property, please let me know. If not, this is just a FYI.

Thanks

Regards,

Eric

"We must, indeed, all hang together, or assuredly we shall all hang separately", Benjamin Franklin

Eric M. Daly

On-Scene Coordinator/Radiological Response Specialist

US Environmental Protection Agency- Region II

ERRD/RPB/PPS

2890 Woodbridge Avenue

Edison, NJ 08837

daly.eric@epa.gov

732-321-4350

From: Matthew Weber [<mailto:mtweber@nycourts.gov>]
Sent: Tuesday, March 15, 2016 12:45 PM
To: Daly, Eric <Daly.Eric@epa.gov>
Subject: RE: USEPA Removal Site-Niagara Falls Boulevard/Weber Property

I don't think I need anything at this time. Maybe a heads-up if there is something interesting found after April 18th. Thanks.

Matthew T. Weber, Esq.

Sr. Court Attorney

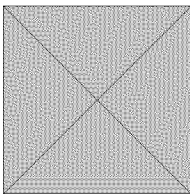
Niagara County Surrogate's Court

175 Hawley Street

Lockport, New York 14094

(716)280-6461

mtweber@nycourts.gov



From: Daly, Eric [<mailto:Daly.Eric@epa.gov>]
Sent: Tuesday, March 15, 2016 12:37 PM
To: Matthew Weber <mtweber@nycourts.gov>
Cc: jgould@bnriverkeeper.org
Subject: Re: USEPA Removal Site-Niagara Falls Boulevard/Weber Property

Thanks so much. I think we may conduct the property boundary survey the week of April 18th. I will confirm the exact date in weeks to come.

Is there anything you require from me?

Regards,

Eric

"We must, indeed, all hang together, or assuredly we shall all hang separately",
Benjamin Franklin
Eric M. Daly
On-Scene Coordinator/Radiological Response Specialist
US Environmental Protection Agency- Region II

ERRD/RPB/PPS
2890 Woodbridge Avenue
Edison, NJ 08837
daly.eric@epa.gov
[732-321-4350](tel:732-321-4350)

On Mar 15, 2016, at 12:30 PM, Matthew Weber <mtweber@nycourts.gov>
wrote:

Eric:

Please see the attached, completed Consent for Access. Sorry for the short delay.

Matt Weber

From: Daly, Eric [<mailto:Daly.Eric@epa.gov>]
Sent: Wednesday, March 09, 2016 4:20 PM
To: Matthew Weber <mtweber@nycourts.gov>
Subject: RE: USEPA Removal Site-Niagara Falls Boulevard/Weber Property

From: Matthew Weber [<mailto:mtweber@nycourts.gov>]
Sent: Wednesday, March 09, 2016 11:32 AM
To: Daly, Eric <Daly.Eric@epa.gov>
Subject: RE: USEPA Removal Site-Niagara Falls Boulevard/Weber Property

Hi Eric:

Yes, that does appear to be JCW, Inc. property based on the GIS photo/map. I would be happy to speak with you regarding the removal assessment. I am generally available at the 716-628-0992 number.

Matt

From: Daly, Eric [<mailto:Daly.Eric@epa.gov>]
Sent: Wednesday, March 09, 2016 11:12 AM
To: Matthew Weber <mtweber@nycourts.gov>
Subject: USEPA Removal Site-Niagara Falls Boulevard/Weber Property
Importance: High

Good Morning Mr. Weber:

I am an On-Scene Coordinator for the USEPA and I am conducting a radiological removal assessment at the Niagara Falls Boulevard (NFB) Site located at 9524 & 9540 Niagara Falls Boulevard.

Niagara County officials have brought the Buffalo Niagara Riverkeeper acquisition proposal to my attention. From my understanding, the proposal is to acquire the Weber Property for a restoration project. Please see the email below for my recent correspondence with Riverkeeper representatives.

I would like to speak to you to give you a historical account of the Niagara Falls Boulevard Site I am working on and the radiological contamination at the property that most likely extends into your property boundaries. I have requested a property boundary survey to be conducted on the areas of interest in order to identify which property owners would be affected. Initially I was told it was only the bowling alley property owner. However, looking the map attached, if that outlined parcel is indeed Weber properties, then I do need to coordinate with you and bring you up to speed.

I look forward to speaking with you.

Thanks so much for your time.

Regards,

Eric

"We must, indeed, all hang together, or assuredly we shall all hang separately", Benjamin Franklin

Eric M. Daly

On-Scene Coordinator/Radiological Response Specialist
US Environmental Protection Agency- Region II

ERRD/RPB/PPS
2890 Woodbridge Avenue
Edison, NJ 08837
daly.eric@epa.gov
732-321-4350

From: Joseph Gould [<mailto:jgould@bnriverkeeper.org>]
Sent: Wednesday, March 09, 2016 11:01 AM
To: Daly, Eric <Daly.Eric@epa.gov>
Cc: Kerrie Gallo <kgallo@bnriverkeeper.org>; Jill Jedlicka <jedlicka@bnriverkeeper.org>; 'Nancy R. Smith' <nancys@wnylc.org>; Jajeane Rose <jajeane.rose@wnylc.org>
Subject: Re: USEPA Removal Site-Niagara Falls Boulevard/Weber Property

Hello Eric,

Jill forwarded your message to me and asked me to respond. Thank you for following up on this.

Joseph C. Weber Inc is the entity that owns the property (SBL #146018000101000, 1460180001037002, 1460180001040000, 1460180001016000, and 1460180001016000) and his wife is the sole surviving officer. She is in her late 80's and her son, Matt Weber, is really the one who has been taking care of everything. Here is Matt's contact information (E: mtweber@nycourts.gov C: (716) 628-0992). You should be aware that I have not spoken to him about the work you are doing so you might need to provide some context as to why your inquiring about property boundary information and the potential contamination from the bowling alley site. He is fully aware that Niagara County Brownfields Program is doing a phase 1 & 2 on the Weber Parcels and that it is funded through an EPA grant Niagara

County received. However, I am not sure if he is aware of the project you described below and that you are working with the Town of Niagara. I mention this because I don't want him to get confused about the separate investigation projects and in your case clean up of hazardous waste on an adjacent parcel. That being said, I think its important to mention that the you plan to investigate the extent of the contamination (particularly in the wooded area along the property boundaries) and you could potential clean up any hazardous waste if it spilled over onto the adjacent parcel owned by Joseph C. Weber Inc.

Just so you know, I will also follow up again with the Town of Niagara and County to see if they have detailed survey information for the property that they can provide you.

Thank you for your help and please let me know if you need anything from me.

Best,

JG

Joseph J Gould

Natural Resource Planner II

Buffalo Niagara RIVERKEEPER

721 Main Street, Buffalo, NY 14203

716-852-7483, Ext. 27

<http://www.bnriverkeeper.org>

From: Daly, Eric <Daly.Eric@epa.gov>
Sent: Tuesday, March 8, 2016 4:16 PM
To: Jill Jedlicka; nancyrs@wnylc.org
Subject: USEPA Removal Site-Niagara Falls Boulevard/Weber Property

Good Afternoon:

I am an On-Scene Coordinator for the USEPA and I am conducting a radiological removal assessment at the Niagara Falls Boulevard (NFB) Site located at 9524 & 9540 Niagara Falls Boulevard.

Niagara County officials have brought your property acquisition proposal to my attention. I believe you submitted a proposal to acquire the Weber Property for your restoration project. I have requested property boundary surveys to be conducted on the areas of interest which most likely included the Weber properties.

I know Joseph Weber is listed as the property owner. Could you please provide Mr. Weber's contact information and/or the active representative you are dealing with in this proposal? I want to make sure the parcels in question are not contaminated. I will also need to communicate with the property owner in regard to our removal action.

Thanks so much for your time.

Regards,

Eric

"We must, indeed, all hang together, or assuredly we shall
all hang separately", Benjamin Franklin

Eric M. Daly

On-Scene Coordinator/Radiological Response Specialist
US Environmental Protection Agency- Region II

ERRD/RPB/PPS
2890 Woodbridge Avenue
Edison, NJ 08837
daly.eric@epa.gov
732-321-4350

<EPA Release.pdf>